



U.S. Department of Justice

Michael J. Sullivan
United States Attorney
District of Massachusetts

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1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

August 31, 2005

Oscar Cruz, Jr.
Office of Federal Defender
125 Pearl Street
Third Floor
Boston, MA 02110

Glen P Randall, Esq.
Murphy and Randall
Suite 100
50 Burlington Mall Road
Burlington, MA 01803

Re: United States v. Smith & Cabana
Criminal No. 05-10155-MLW

Dear Counsel:

I wrote to you on August 12th concerning certain records temporarily being held in storage by the trustee for the Chapter 7 bankruptcy of Trip Makers, Inc. These are not records in the possession or control of the Government. However, in light of the pending criminal case, the Trustee offered to delay routine destruction of the records to give defense counsel a reasonable time to determine whether you want to review those records. My letter asked that you contact Attorney Adam Ruttenberg, Looney & Grossman, [(617) 951-2819 x 556; ARuttenberg@lgllp.com] as counsel to the trustee, by **August 26th** to advise.

I am informed that neither counsel has contacted Mr. Ruttenberg or the Trustee. I assume from that fact that neither counsel wishes to review the bankruptcy records.

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A copy of my letters has been delivered to Mr. Ruttenberg.
I assume that within the near future he may advise the Trustee to
dispose of the records per standard procedure.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:

COPY
VICTOR A. WILD
Assistant U.S. Attorney

cc: Thomas Quinn
Clerk to Magistrate Judge Dein
(without enclosure)